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BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

2016 SEP 15 AM 10: 21

MUR: 6914

Complaint Receipt Date: February 10, 2015

Response Date(s): February 20, 2015
April 1, 2015

Respondents: DeFranco for Congress
and Kai P. Moy, as treasurer
(collectively the "Committee")¹

EPS Rating:

Alleged Statutory/ 52 U.S.C. §§ 30104(a)(1), (b)(8)
Regulatory Violations: 11 C.F.R. §§ 104.1(a), 104.3(d), 116.10(a)

The Complaint alleges that DeFranco for Congress, the authorized committee of Marisa DeFranco, violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by failing to include in its disclosure reports a debt allegedly still owed to the Complainant for campaign-related expenses. The Complaint included a copy of an agreement for campaign-related services provided by Complainant to the Committee, signed by both parties, but did not specify an amount that was still owed. The Committee responded by claiming that there was no outstanding debt owed to Complainant. Specifically, the Committee stated that on July 15, 2014, it paid Complainant \$1,000 for two months of work², and asserted that on June 24, 2014, Complainant had released the Committee from their agreement. The Committee also stated that on September 30, 2014, Complainant "provided an alleged claim" via e-mail, but that this additional claim was "dealt with" by legal counsel, and that there was no further contact from Complainant until the Committee received notice of the Complaint in this matter.

¹ The Committee filed a Termination Report on January 14, 2016, and has continued to file, submitting a 2016 April Quarterly Report on April 15, 2016, and a 2016 July Quarterly Report on July 4, 2016. The Committee reported \$0 Cash on Hand in its 2015 Year-End Report, 2016 Termination Report, 2016 April Quarterly Report, and 2016 July Quarterly Report.

² See DeFranco for Congress 2014 July Quarterly Report, filed July 15, 2014, at 23.

3 Debts or obligations of \$500 or less "shall be reported as of the time payment is made or not later than 60 days after such obligation is incurred, whichever comes first." 11 C.F.R. § 104.11(b). Debts or obligations over \$500 shall be disclosed "as of the date on which the debt or obligation is incurred," with the exception of recurring administrative expenses such as salary or rent, and if the exact amount is not known, the report shall state that the amount disclosed is an estimate. *Id.* "Once the exact amount is determined, the political committee shall amend the report(s) containing the estimate or indicate the correct amount on the report for the reporting period in which such amount is determined." *Id.*

General Counsel

9.15.16
Date

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